

REMARKS

The Office Action mailed December 28, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Amendment to Claim 36

Claim 36 has been amended for improved clarity and grammatical accuracy.

Rejection(s) Under 35 U.S.C. § 102

Claims 36-40 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gerszberg et al. (U.S. pub. no. 2006/0159116). Applicants respectfully traverse.

Claim 36 recites, at lines 19-26,

...said host computer being further programmed with a routing process to receive said IP packets from said IP packetization process and to receive IP packets from said DOCSIS compatible cable modem and automatically do all routing, encapsulation and protocol conversion necessary to deliver said IP packets to a device and/or process in execution on a device coupled to said gateway apparatus via one of said local area network interfaces or bus interfaces and identified by address information in said IP packets...

Gerszberg, by comparison, does not show a host computer executing such a routing process. The discussion of IP packetization beginning in ¶[0076] of Gerszberg, to which the Office Action makes reference, is directed to communication between the customer premises and the external network ("CPE-Network direction"; Gerszberg, ¶[0076], l. 2). It is not directed to communication within the premises, in the manner of the present invention.

Claim 36 further recites, at lines 19-33,

...said host computer being further programmed with a routing process ... to receive data from a device and/or process in execution on a device coupled to said gateway apparatus via one of said local area network interfaces or bus interfaces and do any and

all deencapsulation, encapsulation, protocol conversion and routing necessary for each packet to be automatically delivered to an appropriate one or more of said external network interfaces coupled to a device and/or process to which each packet is addressed for upstream delivery via an appropriate medium of transmission to whatever device and/or process to which said data is addressed,

The same argument applies here: the discussion of IP packetization in Gerzberg pertains to communication between the customer premises and the external network. It does not pertain to communications within the customer premises, in this case from the customer premises equipment to the host computer.

Another distinction between the present invention and Gerzberg is that in the presently claimed invention, multiple sources of information are coupled to the customer premises via multiple media to the host computer, “including at least a DOCSIS compatible cable modem for bidirectional digital data communication over a hybrid fiber coaxial cable network, and one or more video network interface circuits functioning to receive analog and/or digital video signals delivered over a hybrid fiber coaxial cable network or via satellite or terrestrial and deliver digital video data compressed using MPEG compression.” (Claim 36, ll. 9-13). This underscores the need for the IP packetization scheme within the customer premises, in order to ensure that information from these multiple sources is properly addressed to its destination, and upstream communications are properly directed to the information source. While in Gerzberg various such sources are discussed, the are tapped or dropped into the customer premises from a common point, and proper addressing is not as crucial.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Gerzberg is respectfully urged.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 06/30/2008

/Khaled Shami/
Khaled Shami
Reg. No. 38,745

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040